

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

IN RE: PHENYLPROPANOLAMINE
(PPA) PRODUCTS LIABILITY
LITIGATION,

MDL NO. 1407

This document relates to:

Loretta M. Gillespie v. Wyeth,
No. 3-cv-3615.

ORDER GRANTING MOTION TO
EXTEND FACT DISCOVERY
DEADLINE

The parties have jointly submitted a motion to extend the case-specific fact discovery deadline in the above-referenced matter to October 7, 2005. The court previously extended the deadline by three months. The parties claim that a second extension is necessary because Defendant Wyeth is still waiting to receive copies of plaintiff's medical records from University Medical Center ("UMC"), the hospital primarily responsible for treating plaintiff after her alleged stroke. Wyeth has requested the records from UMC no less than eleven times and has sent signed release authorizations to the hospital at least twice. On July 7, 2005, having still not received any records from UMC,

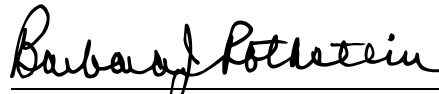
1 Wyeth issued a subpoena directing the hospital and its affiliate,
2 UMC Pavilion Medical Clinic, to produce all records relating to
3 plaintiff's care by July 20, 2005. In addition, Wyeth still needs
4 to take the deposition of five medical providers who treated
5 plaintiff after her stroke. Each of these depositions is
6 scheduled to occur in mid-July, 2005.

7 The court notes that Wyeth has requested the records from
8 UMC over ten times in the last eight months. However, the court
9 also notes that plaintiff submitted her Plaintiff's Fact Sheet
10 ("PFS") to Wyeth in April 2004 and Wyeth waited another seven
11 months before it sent its initial request to UMC. Thereafter,
12 Wyeth waited another eight months before it issued the subpoena
13 directing that UMC produce the records. It is incumbent on the
14 parties to pursue discovery in a timely manner. While Wyeth could
15 not have anticipated that UMC would delay producing plaintiff's
16 records for months, Wyeth may have been able to avoid the
17 necessity of this second (and perhaps the first) extension to the
18 discovery deadline if it had commenced the collection process
19 immediately upon receipt of the PFS. The court expects Wyeth to
20 immediately file a motion to compel if UMC does not produce the
21 records by the July 20th deadline.

22 The court hereby GRANTS the parties' joint motion and
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1 extends the fact discovery deadline to and including October 7,
2 2005.

3 DATED at Seattle, Washington this 15th day of July, 2005.
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6 BARBARA JACOBS ROTHSTEIN
7 UNITED STATES DISTRICT COURT
8 JUDGE
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